

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION**

CASE NO. 7:07-CV-64-H

MICHAEL S. ADAMS,

Plaintiff,

v.

**THE TRUSTEES OF THE
UNIVERSITY OF NORTH
CAROLINA-WILMINGTON et al.,**

Defendants.

**MOTION FOR SUMMARY JUDGMENT
BY DEFENDANTS**

Defendants, by and through undersigned counsel, respectfully move, pursuant to Fed. R. Civ. P. 56, for summary judgment on grounds there is no genuine issue as to any material fact and defendants are entitled to judgment as a matter of law.

In support of their motion, defendants rely on (1) the pleadings; (2) the declaration of Dr. Kimberly Cook, along with the exhibits attached thereto; (3) the declaration of Dr. Diane Levy, along with the exhibits attached thereto; (4) the declaration of Dr. Randy LaGrange, along with the exhibits attached thereto; (5) the declaration of Dr. John S. Rice, along with the exhibits attached thereto; (6) excerpts from plaintiff's deposition testimony with exhibits ; and (7) Plaintiff's Responses to Defendants' First Set of Interrogatories.¹

Said declarations, deposition excerpts, and exhibits are affixed to either this motion or a Notice of Filing. In addition, defendants file their memorandum of law in support of this motion concurrently with the motion and all its attachments.

WHEREFORE, the defendants respectfully request that the Court:

1. Grant their motion for summary judgment;

¹ The declarations and deposition transcript excerpts referenced herein are attached to defendants' Notice of Filing In Support of Motion for Summary Judgment. Testimony from the declarations is cited by declarant's surname and paragraph or exhibit number. Deposition testimony or deposition exhibits are cited by surname of the deponent and page or exhibit number.

2. Enter judgment for the defendants in this action on all of plaintiff's claims; and
3. Grant the defendants such other relief as may be appropriate.

Respectfully submitted this 1st day of May 2009.

ROY COOPER
Attorney General

/s/ John P. Scherer II
Assistant Attorney General
N.C. State Bar No. 19259
E-mail: jscherer@ncdoj.gov
N. C. Department of Justice
P. O. Box 629
Raleigh, North Carolina 27602
Telephone: (919) 716-6920
Attorneys for Defendants

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Defendants

CERTIFICATE OF SERVICE

I hereby certify that on 1 May 2009, I electronically filed the foregoing Motion for Summary Judgment with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following CM/ECF participants:

Robert M. Schmidt
North Carolina Bar No. 12545
Patrick Henry Justice Center
444 South Main Street
Laurinburg, North Carolina 28352
(910) 266-9017
(910) 266-9006—facsimile
lawofliberty@bellsouth.net
LR 83.1 Counsel

David A. French
Tennessee Bar No. 16692
Kentucky Bar No. 86986
Alliance Defense Fund
7141 Old Zion Road
Columbia, Tennessee 38401
(931) 490-0591
(931) 490-7989—facsimile
dfrench@telladf.org

Benjamin W. Bull (of counsel)
Arizona Bar No. 009940
Alliance Defense Fund
15333 N. Pima Rd., Suite 165

Scottsdale, Arizona 85260
(480) 444-0020
(480) 444-0028—facsimile
bbull@telladf.org

DAVID J. HACKER
Illinois Bar No. 6283022
Alliance Defense Fund
101 Parkshore Drive, Suite 100
Folsom, California 95630
(916) 932-2850
(916) 932-2851—facsimile
dhacker@telladf.org

Joseph J. Martins
North Carolina Bar No. 31666
Travis C. Barham
Arizona Bar No. 024867
Alliance Defense Fund
ADF Center for Academic Freedom
12 Public Square
Columbia, Tennessee 38401
(931) 490-0591
(931) 490-7989—facsimile
jmartins@telladf.org
tbarham@telladf.org

ATTORNEYS FOR PLAINTIFF

Respectfully submitted,

/s/ John P. Scherer II
Assistant Attorney General